

Introduced by Senator Torlakson

February 18, 2005

An act to amend Sections 20001 and 20002 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 598, as introduced, Torlakson. Vehicles: leaving the scene of an accident.

(1) Existing law requires the driver of a vehicle involved in an accident resulting in injury to any person, other than himself or herself, or in the death of any person, to immediately stop the vehicle at the scene of the accident and provide certain information and render assistance, as necessary, to the driver and occupants of the other vehicle and provide the specified information to any traffic or police officer at the scene of the accident. A violation of this requirement is punishable as a misdemeanor or a felony. A person who flees the scene of the crime after committing a violation of certain provisions relating to vehicular manslaughter is required to be punished, in addition and consecutive to the base penalty, by an additional 5-year term of imprisonment in the state prison.

This bill would require that a person who violates the requirement in existing law described above within 10 years after having been convicted of violating certain provisions prohibiting driving under the influence of alcohol or drugs, or both, to be punished, in addition and consecutive to the base penalty, by an additional 5-year term of imprisonment in the state prison. The bill thereby would establish a state-mandated local program by imposing additional duties on local law enforcement.

(2) Existing law requires the driver of a vehicle involved in an accident resulting only in damage to any property, including vehicles,

to immediately stop the vehicle at the nearest location that will not impede traffic or otherwise jeopardize the safety of other motorists and provide certain information to the owner or person in charge of the damaged vehicle or place that information in a conspicuous place on the damaged vehicle. A violation of this requirement is punishable as a misdemeanor.

This bill would require that a person who violates the requirement in existing law described above within 10 years after having been convicted of violating certain provisions prohibiting driving under the influence of alcohol or drugs, or both, to be punished by specified terms of imprisonment in the state prison, or by a term of imprisonment in the county jail, or by specified fines, or by both the imprisonment and fine. The bill thereby would establish a state-mandated local program by imposing additional duties on local law enforcement.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 20001 of the Vehicle Code is amended
2 to read:

3 20001. (a) The driver of any vehicle involved in an accident
4 resulting in injury to any person, other than himself or herself, or
5 in the death of any person shall immediately stop the vehicle at
6 the scene of the accident and shall fulfill the requirements of
7 Sections 20003 and 20004.

8 (b) (1) Except as provided in paragraph (2), any person who
9 violates subdivision (a) shall be punished by imprisonment in the
10 state prison, or in a county jail for not more than one year, or by
11 a fine of not less than one thousand dollars (\$1,000) nor more
12 than ten thousand dollars (\$10,000), or by both that
13 imprisonment and fine.

(2) If the accident described in subdivision (a) results in death or permanent, serious injury, any person who violates subdivision (a) shall be punished by imprisonment in the state prison for two, three, or four years, or in a county jail for not less than 90 days nor more than one year, or by a fine of not less than one thousand dollars (\$1,000) nor more than ten thousand dollars (\$10,000), or by both that imprisonment and fine. However, the court, in the interests of justice and for reasons stated in the record, may reduce or eliminate the minimum imprisonment required by this paragraph.

(3) In imposing the minimum fine required by this subdivision, the court shall take into consideration the defendant's ability to pay the fine and, in the interests of justice and for reasons stated in the record, may reduce the amount of that minimum fine to less than the amount otherwise required by this subdivision.

(c) A person who flees the scene of the crime after committing a violation of Section 191.5 of, paragraph (1) or (3) of subdivision (c) of Section 192 of, or subdivision (a) or (c) of Section 192.5 of, the Penal Code, upon conviction of any of those sections, in addition and consecutive to the punishment prescribed, shall be punished by an additional term of imprisonment of five years in the state prison. This additional term shall not be imposed unless the allegation is charged in the accusatory pleading and admitted by the defendant or found to be true by the trier of fact. The court shall not strike a finding that brings a person within the provisions of this subdivision or an allegation made pursuant to this subdivision.

(d) A person who violates subdivision (a) or (b) within 10 years after having been convicted of violating Section 23103, as specified in Section 23103.5, or Section 23140, 23152 or 23153, or Section 191.5 of the Penal Code, or paragraph (3) of subdivision (c) of Section 192 of that code, in addition and consecutive to the punishment prescribed under subdivision (a) or (b), shall be punished by an additional term of imprisonment of five years in the state prison.

(e) As used in this section, "permanent, serious injury" means the loss or permanent impairment of function of any bodily member or organ.

SEC. 2. Section 20002 of the Vehicle Code is amended to read:

20002. (a) The driver of any vehicle involved in an accident resulting only in damage to any property, including vehicles, shall immediately stop the vehicle at the nearest location that will not impede traffic or otherwise jeopardize the safety of other motorists. Moving the vehicle in accordance with this subdivision does not affect the question of fault. The driver shall also immediately do either of the following:

(1) Locate and notify the owner or person in charge of that property of the name and address of the driver and owner of the vehicle involved and, upon locating the driver of any other vehicle involved or the owner or person in charge of any damaged property, upon being requested, present his or her driver's license, and vehicle registration, to the other driver, property owner, or person in charge of that property. The information presented shall include the current residence address of the driver and of the registered owner. If the registered owner of an involved vehicle is present at the scene, he or she shall also, upon request, present his or her driver's license information, if available, or other valid identification to the other involved parties.

(2) Leave in a conspicuous place on the vehicle or other property damaged a written notice giving the name and address of the driver and of the owner of the vehicle involved and a statement of the circumstances thereof and shall without unnecessary delay notify the police department of the city wherein the collision occurred or, if the collision occurred in unincorporated territory, the local headquarters of the Department of the California Highway Patrol.

(b) Any person who parks a vehicle which, prior to the vehicle again being driven, becomes a runaway vehicle and is involved in an accident resulting in damage to any property, attended or unattended, shall comply with the requirements of this section relating to notification and reporting and shall, upon conviction thereof, be liable to the penalties ~~of this section~~ *prescribed under subdivision (c)* for failure to comply with the requirements.

(c) ~~Any~~ *Except as required under subdivision (d),* a person failing to comply with all the requirements of this section is guilty of a misdemeanor and, upon conviction thereof, shall be

1 punished by imprisonment in the county jail not exceeding six
2 months, or by a fine not exceeding one thousand dollars (\$1,000),
3 or by both that imprisonment and fine.

4 *(d) A person who violates subdivision (a) within 10 years after*
5 *having been convicted of violating Section 23103, as specified in*
6 *Section 23103.5, or Section 23140, 23152 or 23153, or Section*
7 *191.5 of the Penal Code, or paragraph (3) of subdivision (c) of*
8 *Section 192 of that code shall be punished by imprisonment in*
9 *the state prison for a term of 16 months, or two or three years, or*
10 *by imprisonment in the county jail for not more than one year, or*
11 *by a fine of not less than one thousand dollars (\$1,000) nor more*
12 *than ten thousand dollars (\$10,000), or by both that*
13 *imprisonment and fine.*

14 SEC. 3. No reimbursement is required by this act pursuant to
15 Section 6 of Article XIII B of the California Constitution because
16 the only costs that may be incurred by a local agency or school
17 district will be incurred because this act creates a new crime or
18 infraction, eliminates a crime or infraction, or changes the
19 penalty for a crime or infraction, within the meaning of Section
20 17556 of the Government Code, or changes the definition of a
21 crime within the meaning of Section 6 of Article XIII B of the
22 California Constitution.